IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 27834 of 2006(L)

PETITIONER:

MRS. ROSE PHILIO K.J.,
LECTURER (SR.SCALE), DEPARTMENT OF CHEMISTRY,
ST.PAULS COLLEGE, KALAMASSERY.

BY ADV. SRI.M.C.CHERIAN
SRI.M.A.THOMAS KUTTY
SMT.ASHA CHERIAN
SRI.P.M.SANEER

RESPONDENTS:
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1. DEPARTMENT OF COLLEGIATE EDUCATION,
ERNAKULAM.

2. PRINCIPAL,
ST.PAULS COLLEGE, KALAMASSERY.

3. MAHATMA GANDHI UNIVERSITY,
KOTTAYAM, REPRESENTED BY ITS REGISTRAR.

4. GOVT. OF KERALA, REP. BY SECRETARY,
(HIGHER EDUCATION), SECRETARIAT,
TRIVANDRUM.

BY ADV. SMT.A.K.RANI
SRI.RAYNOLD FERNANDEZ
SRISHIJU VARGHEESE
SRI.C.S.YESUDAS
SRI.DILEEP VARGHESE
SRI.P.F.THOMAS (SR.)
GOVT. PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007 ALONG WITH WPC NO. 33805 OF 2006 WPC NO. 32163 OF 2006 WPC NO. 29926 OF 2006 WPC NO. 29535 OF 2006 WPC NO. 29521 OF 2006 WPC NO. 29368 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.C.NO.27834/06

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE ORDER DTD. 24-6-85 OF M.G.UNIVERSITY, KOTTAYAM**
EXT.P2	**TRUE COPY OF THE ORDER DTD. 8-8-86 OF M.G.UNIVERSITY, KOTTAYAM**
EXT.P3	**TRUE COPY OF THE ORDER DTD. 28-5-95 OF M.G.UNIVERSITY, KOTTAYAM**
EXT.P4	**TRUE COPY OF THE ORDER DTD. 9-4-01 OF M.G.UNIVERSITY, KOTTAYAM.**
EXT.P5	**TRUE COPY OF THE ORDER DTD. 21-12-99 OF GOVT. OF KERALA.**
EXT.P6	**TRUE COPY OF THE ORDER DTD. 31-1-02 OF THE MANAGEMENT OF ST. PAUL'S COLLEGE, KALAMASSERY**
EXT.P7	**TRUE COPY OF THE ORDER DTD. 18-4-05 OF M.G.UNIVERSITY, KOTTAYAM.**
EXT.P8	**TRUE COPY OF THE LETTER DTD. 1-7-05 OF R2 TO R3**
EXT.P9	**TRUE COPYO F THE LETTER/ORDER DTD. 19-11-05 OF R3**
EXT.P10	**TRUE COPY OF JUDGMENT IN W.P.C.NO.16495/05**
EXT.P11	**TRUE COPY OF THE MEMORANDUM OF APPEAL IN W.A.NO. 197/2006 OF THIS COURT.**
EXT.P12	**TRUE COPY OF JUDGMENT IN W.A.NO.197/06**
EXT.P13	**TRUE COPY OF ANNEXURE B STATEMENT IN W.A.NO.197/06**
EXT.P14	**TRUE COPY OF LETTER/ORDER DTD. 28-5-99 OF R4**

RESPONDENT'S EXHIBITS

EXT.R3(A)	**TRUE COPY OF THE ORDER OF THE UNIVERSITY.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).NOs. 27834, 29368, 29521, 29535, 29926, 32163, 33805 OF 2006

Dated this the 14th day of February, 2007

JUDGMENT

In all these cases, petitioners were granted approval to their appointment. In these cases, the question to be considered is whether the broken period of service rendered by the petitioners has to be reckoned for the purpose of placing the petitioners in senior scale and selection grade. The University has approved the placing of the petitioners in senior scale and in selection grade taking into consideration the broken periods of service. However, petitioners are not given the benefits by the Deputy Director.

2. Learned counsel for the petitioner relies on the Division Bench judgment of this court in Ext.P16 judgment. But learned Government Pleader submits that actually it is distinguishable on facts. No doubt, learned counsel for the University would reiterate the stand by them. Learned Government Pleader seeks time to file

the counter affidavit.

3. I would think that once approval is granted by the University, it is for the Deputy Director to take up the matter with the University and the decision in Cherian Mathew's case should apply if after a decision is taken, University reiterates its earlier stand.

3. In such circumstances, the writ petition will stand disposed of as follows:

The Deputy Director will place his objections to the approval in Senior Scale and Selection Grade which is objected to by him within a period of one month from the date of receipt of a copy of this judgment before the University. Thereupon, the University will meticulously consider each and every objections of the Deputy Director and pass a reasoned order which shall be communicated to the petitioners and also the Deputy Director. University will take a decision in the matter within one month from the date of receipt of the objection. If the University reiterates its stand, then the

decision of the Division Bench in Cherian Mathew's case will govern the field and monetary benefits due to the petitioners as Senior Scale / Selection Grade as approved shall be disbursed to the petitioners without any delay.

Writ petitions are disposed of as above.

K.M.JOSEPH
JUDGE

sv.